

DISCUSSION DRAFT 12/7/04

§11-54-4 Basic water quality criteria applicable to all waters. (a) All waters shall be free of substances attributable to domestic, industrial, or other controllable sources of pollutants.

(1) As used in this section:

(A) "Bottom deposits" means, but is not limited to, silt and/or clay (grain size <.125mm); sludge; waste ash; clinkers; charcoal from cooking fires; the remains of decaying or dead invasive plants; other pollutants and illegally dumped wastes;

(B) "Objectionable" means, but is not limited to, decaying organic matter such as yard clippings; dead domestic animals, including farm animals; fish carcasses discarded after cleaning; or high turbidity; or human-caused odors in surface waters; or other offensive organic matter; and any other materials regarded as disagreeable or offensive.

(C) "Undesirable or deleterious aquatic life" means, but is not limited to, any invasive and/or nuisance species; or pest;

(2) These scores shall be applied on a site specific basis to the terms defined above in paragraph (a)(1) to the words "objectionable" and/or "deleterious" and/or "undesirable", as used in the five basic water quality criteria statements listed below:

(A) Scoring system:

(i) The material or condition is not present: score = 1;

(ii) The material or condition is present in amounts less than 25%: score = 3;

(iii) The material or condition is present in amounts from 25% to less than 50%; score = 5

(iv) The material or condition is present in amounts from 50% to less than 75%; score = 7

(v) The material or condition is present in amounts from 75% to 100%; score = 9

(3) Basic water quality criteria are as follows:

(i) Materials that will settle to form objectionable bottom deposits; including the remains of decaying or dead invasive plants.

- (ii) Floating debris, including invasive plant debris, oil, grease, scum, film, or other floating materials;
- (iii) Substances in amounts sufficient to produce taste in the water or detectable off-flavor in the flesh of edible organisms used for human consumption, or in amounts sufficient to produce objectionable color, turbidity or other conditions in the receiving waters;
- (iv) High or low temperatures; biocides; pathogenic organisms; toxic, radioactive, corrosive, or other deleterious substances at levels or in combinations sufficient to be toxic or harmful to human, animal, plant, or aquatic life, or in amounts sufficient to interfere with any [beneficial] designated or existing use of the water;
- (v) Substances or conditions or combinations thereof in concentrations which produce undesirable aquatic life; and
- (vi) Soil particles resulting from erosion on land involved in earthwork, such as the construction of public works; highways; subdivisions; recreational, commercial, or industrial developments; or the cultivation and management of agricultural lands except as provided in subsection (b).

(b) The requirements of paragraph (3)(vi) shall be deemed met upon a showing that the land on which the erosion occurred or is occurring is being managed in accordance with soil conservation practices acceptable to the applicable soil and water conservation district and the director, and that a comprehensive conservation program is being actively pursued, or that the discharge has received the best degree of treatment or control, and that the severity of impact of the residual soil reaching the receiving body of water is deemed to be acceptable, meaning not judged as "bottom deposits", and/or "undesirable", and/or "deleterious".